ORDINANCE NO. 93- 9

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED, AMENDING THE TEXT OF THE FOLLOWING ELEMENTS OF THE PLAN: MASS TRANSIT, HOUSING, CAPITAL IMPROVEMENTS, INTRODUCTION/ADMINISTRATION, ALL ELEMENTS REGARDING SUBSTITUTION OF TERMS, AND ECONOMIC; AMENDING THE THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES OF PALM BEACH COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County adopted the 1989 Comprehensive Plan on August 31, 1989 by Ordinance No. 89-17; and

WHEREAS, Palm Beach County amends the 1989 Comprehensive Plan as provided by Chapter 163, Florida Statutes; and

WHEREAS, the Palm Beach County staff has initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS the Palm Beach County Local Planning Agency conducted a public hearing on October 21, 1992 and December 2, 1992 the proposed amendments to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing on December 14, 1992 pursuant to Chapter 163, Florida Statutes to review the recommendations of the Local Planning agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment

pursuant to Chapter 163, Florida Statutes; and

WHEREAS, Palm Beach County received Department of Community Affairs "Objections, Recommendations, and Comments (ORC) Report" dated April 19, 1993 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, on June 14, 1993, the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Board of County Commissioners of Palm Beach County has determined that the amendments as modified meet the "Objections, Recommendations and Comments Report" raised by the Department of Community Affairs and comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the Palm Beach County 1989 Comprehensive Plan are hereby adopted and are attached to this Ordinance in Exhibit 1.

A. Mass Transit

B. Housing

C. Capital Improvement

D. Introduction/Administration

E. All Elements Regarding Substitution of Terms

F. Economic

G. Thoroughfare Right-of-Way Identification Map

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any

provision of this ordinance are hereby repealed.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the Code of Laws and Ordinances

The provision of this Ordinance shall become and be made a part of the code of laws and ordinances of Palm Beach County, Florida. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The provisions of this ordinance shall become effective upon receipt of acknowledgement by the Secretary of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 14th day of June, 1993.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By _____
Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

_____
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
Board of County Commissioners
By _____
DEPUTY CLERK

Acknowledgement by the Department of State of the State of Florida, on this, the 24 day of June, 1993.

EFFECTIVE DATE: Acknowledgement from the Department of

State received on the 28 day of June, 1993, at 4:53 P.M. and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners, hereby certify this to be a true and correct copy of the original on file in my office
on 6/14/93
DATED at West Palm Beach, Fl. on 6/29/93
DOROTHY H. WILKEN, Clerk
By: [signature] D.C.
Deputy Clerk

(comp.ele)

EXHIBIT 1

COUNTY-INITIATED TEXT AND MAP AMENDMENTS

TO THE 1989 PALM BEACH COUNTY

COMPREHENSIVE PLAN

FOR AMENDMENT ROUND 93-1

AMENDMENTS ADOPTED BY THE
PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS
AT THEIR JUNE 14, 1993, PUBLIC HEARING

PROPOSED AMENDMENTS
TO THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN
FOR AMENDMENT ROUND 93-1

A. TABLE OF CONTENTS:

DESCRIPTION — Pages

A. Table of Contents 1

B. List of Figures 3

C. Amendments to the Elements

1. Mass Transit Element

a. Amend text on page 2-MT 4

b. Amend policy 2-a on page 3-MT 4

2. Housing Element

a. Amend definition of very low income on page 2-H 4

b. Amend definition of low income on page 3-H 4

c. Amend definition of moderate income on page 3-H 5

d. Amend definition of middle income on page 3-H 5

e. Amend definition of high income on page 3-H 5

f. Amend definition of affordable housing on page 3-H 5

g. Amend policy 2-a on page 5-H re: Composition of Commission on Affordable Housing 6

h. Amend Objective 3 on page 10-H 7

i. Add new policy 3-e on page 10-H 7

3. Capital Improvements Element

a. Amend text on pages 27-CI & 28-CI 7

4. Introduction/Administration Element

a. Amend text on page 10-IA 8

5. All Comprehensive Plan Elements

a. Amend text by substitution of terms 8

6. Economic Element

a. Amend policy 3-a on page 6-EC 8

b. Amend text to page 22-EC, para 3 8

D. Amendments to Thoroughfare Right-of-Way Identification Map

1. Eliminate Ellison Wilson Road from Donald Ross Road north to U.S. 1 9

B. LIST OF FIGURES

FIGURE NO.	DESCRIPTION	PAGE
1	Thoroughfare Right-of-Way Identification Map	10

C. AMENDMENTS TO THE ELEMENTS

1. MASS TRANSIT ELEMENT

TO: Continued growth in Palm Beach County has brought about a need for developing a multi-modal transportation system. With traffic approaching or exceeding capacity on major roadways, public transportation is becoming more viable as a way to alleviate the problem. Public transportation, particularly bus service, plays a key role in providing mobility to residents of Palm Beach County. Planning for existing and future transit needs is accomplished by the Metropolitan Planning Organization. The primary service provider is the Palm Beach County Transportation Authority (CoTran) and Florida Transit Management, Inc. The Board of County Commissioners, sitting as the Palm Beach County Transportation Authority, provides ~~two~~ three types of service on a regular basis. The first is a fixed-route system using standard buses operating on thoroughfares in the County. The second type involves paratransit services for the elderly and handicapped. The third service is feeder and distributor fixed-route bus service for the Tri-County Commuter Rail Authority.

TO: **Policy 2-a:** By October ~~1990~~ 1995, Palm Beach County shall increase the fleet of Spectran Dial-A-Ride vehicles from seven to 15.

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2. HOUSING ELEMENT:

TO: Very low ~~A family of four that earns less than 50 percent of the County's median income (less than $18,800 in 1988)~~ One or more natural persons or a family, the total annual adjusted gross household income of which is fifty (50%) percent or less of the median annual adjusted gross income for households within the County.

TO: Low ~~A family of four that earns between 50 percent and 80 percent of the County's median income ($18,800 to $30,080 in 1988)~~ One or more natural persons or a family, the total annual adjusted gross household income of which is more than fifty percent (50%) but less than or equal to eighty (80%) percent of the median annual adjusted gross income for households within the County.

TO: Moderate

~~A family of four that earns between 80 percent and 120 percent of the County's median income ($30,080 to $45,120 in 1988)~~ One or more natural persons or a family, the total annual adjusted gross household income of which is greater than eighty percent (80%) but less than or equal to one hundred twenty (120%) percent of the median annual adjusted gross income for households within the County.

TO: Middle

~~A family of four that earns between 120 percent and 150 percent of the County's mean median income (between $45, 120 and $56,400 in 1988).~~ One or more natural persons or a family, the total annual adjusted gross household income of which is greater than one hundred twenty percent (120%) but less than or equal to one hundred fifty (150%) percent of the median annual adjusted gross income for households within the County.

TO: High

~~A family of four that earns over 150 percent of the County's median income (over $56,400 in 1988).~~ One or more natural persons or a family, the total annual adjusted gross household income of which exceeds one hundred fifty (150%) percent of the County's median income.

TO: Affordable Housing

~~Housing for which a household in the above categories pays less than 30 percent of its gross income. Owner-occupied housing costs include mortgage payments, taxes, insurance and utilities. Renter-occupied housing costs include contract rent and utilities. (Palm Beach County Affordable Housing Task Force, Preliminary Report, 1986.)~~ Means that monthly rents including utilities or monthly mortgage payments including property taxes, insurance and utilities do not exceed thirty (30%) percent of that amount which represents the percentage of the median adjusted gross annual income for the households composed of very low-income persons, low-income persons and moderate-income persons.

Adjusted for Family Size - Means adjusted in a manner which results in an income eligibility level which is lower for households with fewer than four (4) people, or higher for households with more than four (4) people than the base income eligibility determined for very low-income persons, low-income persons, and moderate-income

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persons, based upon a formula as established by the United States Department of Housing and Urban Development (HUD).

* Department of HUD definitions for affordable housing are based on a sliding scale by family size. For families less than or greater than four, please see HUD Income Guidelines.

Adjusted Gross Income means all wages, assets, regular cash or non-cash contributions or gifts from persons outside the household, and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code.

TO: ~~The Commission shall be comprised of, but not limited to, community leaders to include representation of the Board of County Commissioners, the real estate development and construction industry, the Palm Beach County Housing and Community Development Division, School Board, private banking institutions, municipalities, municipal housing agencies, non-profit housing organizations, and consumers of very low, and low income housing.~~ The Commission shall be comprised of nine (9) community leaders to include:

-- One member who is actively engaged in the residential homebuilding industry;

-- One member who is actively engaged in the banking or mortgage banking industry;

-- One member who is a representative of those areas of labor engaged in homebuilding;

-- One member who is designated as an advocate of low-income persons;

-- One member who is a provider of affordable housing;

-- One member who is a real estate professional; and

-- Three (3) other members as determined by the Board of County Commissioners (BCC).

TO: OBJECTIVE 3 The Housing Trust Fund

Recognizing that direct financial assistance is necessary to stimulate the production of required a ordable housing units, the County will develop new financial resources to create a Housing Trust Fund for the construction of very low, low and moderate income housing. The County shall establish dedicated sources of revenue to provide an annual capital contribution to the Housing Trust Fund equal to a minimum of ~~three~~ one million dollars ~~of ad valorem taxes~~ toward the total cost of producing those housing units needed by very low, and low income families.

TO: Policy 3:e The County, through the State Department Sur Tax Stamp, shall provide funding to the Housing Trust Fund for the construction of housing for persons of very low, low and moderate income.

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3. CAPITAL IMPROVEMENTS ELEMENT:

TO: A. West Palm Beach Governmental Complex (East Central)

The East Central Governmental Complex is located in West Palm Beach just east of I-95 on North Olive between First and Fourth Streets. The complex is comprised of the Governmental Center, Governmental Center Parking Garage, ~~Courthouse, and Courthouse Annex.~~ Judicial Center, State Attorney/Public Defender Building, and Judicial Center Parking Center. The complex has approximately 1,199,585 square feet.

~~At the present time, the East Central Complex is at capacity, and the County is leasing approximately 65,000 square feet to accommodate needs.~~ The original Courthouse will be demolished to provide space for a plaza for the East Central Government Complex. Additionally, the County owns a block of land, known as Block D, located directly to the north of the existing Government Center which will be utilized for future expansion when needed.

b. South County Governmental Complex

The South County Governmental Complex is located in Delray Beach just west of I-95, south of West Atlantic Avenue on Congress Avenue. The complex is comprised of a Governmental Center (which houses the Sheriff's Office, ~~Health and Community Services, Courts, Clerk of the Court, Public Defender, State Attorney,~~ Board of County Commissioners, Supervisor of Elections, Youth Service Bureau and County Administration functions); The Property Appraiser and Tax Collector's Office; The

South County Health Clinic; and Planning, Zoning and Building trailers. The existing ~~facilities are~~ Governmental Center is currently at capacity.

~~At the present time, the County is constructing a~~ The South County Courthouse on West Atlantic Avenue, east of I-9 ~~. The construction of the new Courthouse provides expansion space in the existing Governmental Center.~~ houses the Courts, Clerk of the Circuit Court, Public Defender and State Attorney.

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4. INTRODUCTION AND ADMINISTRATION ELEMENT:

TO: Where there is a dispute on any administrative decision or interpretation of this Comprehensive Plan, said action may be appealed to the ~~Board of County Commissioners sitting as the~~ Local Planning Agency (LPA).

The ~~Board~~ LPA may accept, reject or modify any action taken by the Department, and in making its decision, shall have all administrative authority of the Department.

The determination of the LPA may be appealed to the BCC by the petitioner, staff, or any aggrieved or adversely affected party as defined by Florida Statutes, Section 163.3215(2). The BCC may accept, reject or modify any action taken by the LPA.

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5. ALL ELEMENTS OF THE COMPREHENSIVE PLAN:

FROM: ~~Zoning Code~~

TO: Unified Land Development Code

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6. ECONOMIC ELEMENT:

TO: **Policy 3-a:** By October, 1990, more than 50 percent of the funds generated by the "bed tax" shall be conveyed to the Tourist Development Council for the purpose of promoting tourism ~~during off-peak periods~~.

TO: The County should continue its support of the Tourism Development Board ~~but with the understanding that~~ and its contributions should be used to promote tourism ~~during off-peak periods~~.

D. AMENDMENTS TO THE THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP

1. Eliminate Ellison Wilson Road from Donald Ross Road north to U.S. 1

FROM: An eighty (80) foot right-of-way with an ultimate capacity for a five lane road, and a level of service standard of 30,200 annual average daily trips.

TO: No right-of-way and no lanes.

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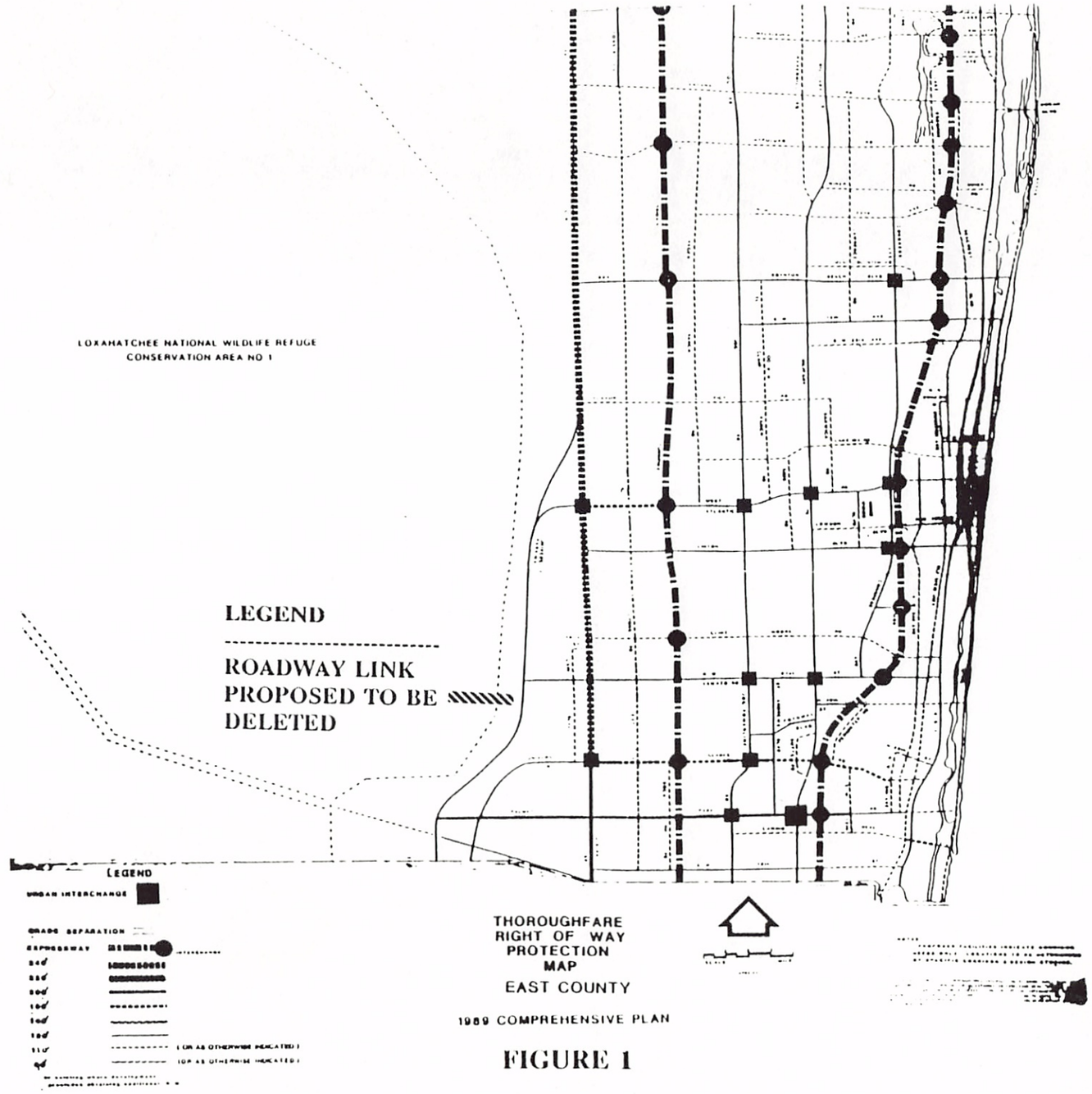

THOROUGHFARE
RIGHT OF WAY
PROTECTION
MAP

EAST COUNTY

1989 COMPREHENSIVE PLAN

FIGURE 1

BJ 5.016 (1) (a)

ROUND 93-1

EXHIBIT 1

BRETT WILDLIFE MANAGEMENT AREA
WEST PALM BEACH
WATER CATCHMENT
AREA